APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,422	08/14/2003	Nicola Chong-White	021318-002500US	9868

20350 7590 02/15/2008		EXAMINER
TOWNSEND AND TOWNSEND AND CREW, LLP		RIDER, JUSTIN W
TWO EMBARCADERO CENTER		
EIGHTH FLOOR	ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834	2626	

MAIL DATE	DELIVERY MODE
02/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/642,422	CHONG-WHITE ET AL.
	Examiner	Art Unit	
	Justin W. Rider	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 January 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>41-76</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>66-76</u> is/are allowed.

6)☒ Claim(s) <u>41</u> is/are rejected.

7)☒ Claim(s) <u>42-65</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>(1 Sheet)</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

1.   In response to the Office Action mailed 07 November 2007, applicant submitted a

response filed 14 January 2008.

Double Patenting

2.   The examiner has withdrawn the Double Patenting rejection with regard to co-pending

application 10/660,468 for reasons stated in applicants remarks dated 14 January 2008.

Information Disclosure Statement

3.   The information disclosure statement(s) (IDS) submitted on 14 January 2008 complies

with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information

disclosure statement(s).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claim 41 is rejected under 35 U.S.C. 102(e) as being anticipated by **Tsuchinaga et al.**

(US Patent No. 7,092,875) referred to as **Tsuchinaga** hereinafter.

Claim 41: **Tsuchinaga** discloses a transcoding apparatus for performing frame

classification (Fig. 1, **52**: FRAME-TYPE DETECTOR) and rate determination (It is inherent that

a transcoding system must be aware of both the incoming and outgoing rates to be able to

process the bitstream using the appropriate components within a particular CELP-based

encoding scheme (e.g. AMR or G.729A).) on a source bitstream (Input signal xin), without

reconstructing a voice signal (col. 12, lines 65-67, '_without first being decoded to a decoded_

signal, '), comprising:

i. a source bitstream unpacker [demultiplexer] associated with the source codec, the

source bitstream unpacker being operative to generate one or more parameters (col. 20, line 50 -

col. 21, line 22 discloses the determination and demultiplexing of plural parameters (e.g. LSP

code, pitch lag, algebraic and gain codes););

ii. a buffer coupled to the source bitstream unpacker and operative to store one or more

frame classification and rate determination parameters (Fig. 6, **83**: LSP Buffer; and col. 17, lines

11-16); and

iii. a frame classification and rate determination module coupled to the source bitstream

unpacker and the buffer, the frame classification and rate determination module being operative

to output a frame class (Fig. 1, wherein the Frame-Type Detector (**52**) outputs the frame type to

the Transcoding Controller (**53**) in order to properly control the transcoding process.) and a rate

(Inherent as mentioned above) for the destination voice codec (e.g. G 729A or AMR) through the

use of one or more parameters associated with the source bitstream coded in the source voice

codec and free from the use of a voice signal (It uses the Transcoding Controller (**53**).).

Allowable Subject Matter

6.   Claims 66-76 are allowed.

Claims 42-65 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

Claims 42-76 are directed toward a method for classifying frames and determining

coding rates for use in a destination codec within a transcoding process; all of which is done

without decoding or reconstructing the input voice signal. **Gao** and **Zinser, Jr.** make coding rate

and frame class decisions based on an input analog signal, which appears to be a precursor to the

language in question in the current claimed invention. **Tsuchinaga** fails to specifically disclose

one or more unquantizer modules coupled to the code separator, the one or more unquantizer

modules operative to unquantize the one or more indices to provide one or more compression

parameters associated the source voice codec and a classifier input parameter selector coupled to

the one or more unquantizer modules, the classifier input parameter selector operative to

determine which compression parameters will be used in a classification process. The current

claim 66 also deals with a set of intermediate parameters, which are also associated with

previous frames within an input bitstream.

Additionally, claims 42-65 recite the use of unquantizers and code separators in

conjunction with the above in order to further make rate and frame classification determinations

based on intermediate voice data.

These features are used in order to train as well as implement features within a

transcoding scheme that applies a smart frame and rate classifier, which also serves to reduce

computational complexity due to the ability to exploit the relationship of available parameters to perform both tasks efficiently.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin W. Rider whose telephone number is (571) 270-1068. The examiner can normally be reached on Monday - Friday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.W.R.
05 February 2008

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600